



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd Floor
New York, New York 10007*

December 13, 2021

By ECF and Email

(CronanNYSDChambers@nysd.uscourts.gov)

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: *W.P.V., on his own behalf and on behalf of his minor child, W.P.O. v. U.S., et al.*
No. 21 Civ. 4436 (JPC)

Dear Judge Cronan:

The parties provide the below update regarding the above-captioned case. On November 12, 2021, the Court granted the parties' application to continue the stay in this matter pending settlement discussions through December 20, 2021, and ordered that the parties provide a status update by December 13, 2021. *See* Dkt. No. 35.¹ The parties write to provide the Court with the ordered status update and to request an additional 40-day stay of this matter until January 31, 2022.

Since the parties' last status update, the United States and the group of counsel coordinating negotiations on behalf of plaintiffs and claimants ("Coordinating Counsel") have continued to work diligently in an effort to resolve the many district court cases and administrative tort claims that have been filed by claimants across the country, arising from family separations at the United States/Mexico border that occurred during the prior administration. An agreement has not been reached. However, a further abeyance will allow the parties to continue focusing their efforts on attempting to resolve these matters. Accordingly, the parties jointly request that this action, including all proceedings and case deadlines (including the answer deadlines for both the United States and Cayuga), be held in abeyance for an additional 40 days until January 31, 2022. The parties, therefore, propose to provide the Court with a further update on January 24, 2022, including addressing the date by which the Government and Cayuga must respond to the complaint in the event the stay is going to be lifted. At that point, the parties hope that they will have further clarity on the likelihood of potentially resolving this matter or whether the stay must be lifted in order to allow litigation to commence.

Similarly, counsel for plaintiffs and Defendant Cayuga continue to engage in good faith settlement negotiations. Accordingly, for the same reasons articulated above, the parties request that the stay with respect to Cayuga be continued as well.

¹ The Court granted the same relief with respect to Defendant Cayuga Home for Children, Inc. d/b/a/ Cayuga Centers ("Cayuga") on November 15, 2021. *See* Dkt. No. 37.

Page 2 of 3

Accordingly, the parties respectfully request that the stay in this matter be continued to January 31, 2022, and that the parties provide the Court with a further status update by December January 24, 2022.

We thank the Court for its consideration of this matter.

Respectfully,

/s/ Aamir A. Kazi

Aamir A. Kazi (*pro hac vice*)

GA Bar No. 104235

Karan Jhurani (*pro hac vice*)

GA Bar No. 290326

Fish & Richardson P.C.

1180 Peachtree Street NE

21st Floor

Atlanta, GA 30309

Telephone: 404-892-5005

Fax: 404-892-5002

kazi@fr.com

***Attorney for Plaintiff W.P.V., on his own
behalf and on behalf of his minor child,
W.P.O.***

DAMIAN WILLIAMS

United States Attorney for the

Southern District of New York

/s/ Alexander J. Hogan

ALEXANDER J. HOGAN

REBECCA R. FRIEDMAN

Assistant United States Attorneys

86 Chambers Street, Third Floor

New York, New York 10007

Tel.: (212) 637-2799/2614

E-mail: alexander.hogan@usdoj.gov

rebecca.friedman@usdoj.gov

The parties' request is granted. This case shall remain stayed until January 31, 2022. The parties shall file a status letter by January 24, 2022. In that status letter, the parties shall propose a deadline for the Government and Cayuga to respond to the Complaint.

SO ORDERED.

Date: December 13, 2021
New York, New York



JOHN P. CRONAN
United States District Judge

COFFEY MODICA O'MEARA, LLP

A handwritten signature in black ink, appearing to read "R Marvin", is positioned above a horizontal line.

ROBERT MODICA

RACHAEL MARVIN

Attorneys for Defendant

*Cayuga Home for Children, Inc. d/b/a/ Cayuga
Centers*

200 East Post Road, Suite 210

White Plains, NY 10601

(212) 827-4501

rmarvin@cmollp.com